

REMARKS

This Application has been carefully reviewed in light of the Office Action dated September 8, 2008 (the "*Office Action*"). At the time of the *Office Action*, Claims 1-20 were pending in the Application and stand rejected. Applicant appreciates the Examiner's consideration of the Application. In order to advance prosecution, Applicant has amended Claims 1, 7, 13, and 20 and has cancelled Claim 19. Applicant submits that no new matter has been added. Applicant respectfully requests reconsideration and full allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 101

The *Office Action* rejects Claims 7-12 and 19 under 35 U.S.C. § 101. Applicants submit that Claims 7-12 are allowable under 35 U.S.C. § 101. In *In re Bilski* the Court of Appeals for the Federal Circuit stated, "the electronic transformation of the data itself into a visual depiction in *Abele* was sufficient," and "[s]o long as the claimed process is limited to a practical application of a fundamental principle to transform specific data, and the claim is limited to a visual depiction that represents specific physical objects or substances, there is no danger that the scope of the claim would wholly pre-empt all uses of the principle." *In re Bilski*, __ F.3d __ (Fed. Cir. 2008). Claim 7 recites "generating a visual report for the entity according to the user role." Thus, Claim 7 and its dependent claims are allowable under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that this rejection of Claims 7-12 be withdrawn.

Claim Rejections under 35 U.S.C. § 103

The *Office Action* rejects Claims 1-20 under 35 U.S.C. § 103(a) over "Bringing the Balanced Scorecard to Life: The Microsoft Balanced Scorecard Framework," by Charles Bloomfield ("Bloomfield") in view of "Valuing the Future: intellectual capital supplements at Skandia," by Mouritsen et al. ("Mouritsen"). For at least the reasons provided below, Applicant respectfully traverses these rejections.

The proposed combination of *Bloomfield* and *Mouritsen* fails to disclose, teach, or suggest each of the elements of the Claims. For example, the proposed combination fails to

disclose a processor operable to "identify one or more gaps between a desired innovation quotient and the one or more innovation capabilities of the entity based on the processed innovation data" and to "identify one or more solutions designed to close the one or more gaps," as recited in Claim 1.

The *Office Action* relies primarily on portions of *Bloomfield* and uses *Mouritsen* to suggest that "innovation data can be presented in statements that are provided in an annual report." *Office Action*, pages 4-6. However, *Bloomfield* states that "though scorecards point to critical problem areas that need analysis, they do not perform that analysis or indicate what action must be taken." *Bloomfield*, pages 20-21 (under the heading "Facet 4: Business Intelligence"). Thus, *Bloomfield* does not disclose, teach, or suggest identifying one or more gaps or one or more solutions.

Accordingly, for at least this reason, Applicant respectfully submits that Claim 1, and all claims depending therefrom, are allowable over the proposed combination of *Bloomfield* and *Mouritsen*. For at least certain analogous reasons, Applicant respectfully submits that Claims 7, 13, and 20, and all claims depending therefrom, are allowable over the proposed combination of *Bloomfield* and *Mouritsen*.

No Waiver

All of Applicant's arguments and amendments are made without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the references cited by the *Office Action*. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the *Office Action*, Applicant does not acquiesce to the *Office Action*'s additional statements. The example distinctions discussed by Applicant are sufficient to overcome the *Office Action*'s rejections.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests reconsideration and allowance of the pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Keiko Ichiye, Attorney for Applicant, at the Examiner's convenience at (214) 953-6494.

Although Applicant does not believe any fees are due, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayment to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

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